

## *St. Louis City Ordinance 64787*

FLOOR SUBSTITUTE

BOARD BILL NO. [99] 191

INTRODUCED BY ALDERMAN MATTHEW VILLA

An Ordinance authorizing and directing the Mayor and the Comptroller of the City of Saint Louis to execute, upon receipt of and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, a permanent, irrevocable Easement, which shall give, grant, extend and confer on KJD INCORPORATED, a Missouri corporation, its agents, successors, and assigns, a perpetual and non-exclusive easement in, upon, over, under and across that certain portion of the City Parcel legally described in Exhibit A attached hereto and made a part hereof by this reference; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Mayor and Comptroller or the City of Saint Louis are hereby authorized and directed to execute a permanent, irrevocable Easement, which shall give, grant, extend and confer on KJD INCORPORATED, a Missouri corporation, its agents, successors, and assigns, a perpetual and non-exclusive easement in, upon, over, under and across that certain portion of the City Parcel legally described in Exhibit A attached hereto and made a part hereof by this reference.

### SECTION TWO. EASEMENT AGREEMENT

THIS INGRESS/EGRESS EASEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1999, by and between THE CITY OF ST. LOUIS and its successors and assigns (collectively referred to as the **City**) and KJD INCORPORATED, a Missouri corporation, 26 Portland Place, St. Louis, Missouri 63108, and its successors and assigns (collectively referred to as **KJD**).

WHEREAS, the City is the owner of that certain parcel of real property located in the City of St. Louis, Missouri, and legally described in Exhibit A attached hereto and made a part hereof by this reference (the "City Parcel"); and

WHEREAS, a portion of the City Parcel has been used since approximately 1907 for ingress and egress to the KJD Parcel; and

WHEREAS, City and KJD desire to specifically locate and define that portion of the City Parcel to be used for ingress and egress to the KJD Parcel as set forth herein.

NOW THEREFORE, in consideration of the sum of One Dollar and No/100 (\$1.00) and other valuable considerations, the receipt and legal sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Grant of Easement. The City hereby GIVES, GRANTS, EXTENDS, CONFERS AND CONVEYS unto KJD, a perpetual and non-exclusive easement in, upon, over, under and across that certain portion of the City Parcel legally described in Exhibit A attached hereto and made a part hereof by this reference and depicted on the drawing attached hereto as Exhibit B and made a part hereof by this reference (the "Easement"), for the purpose of ingress and egress to and from the KJC Parcel.

2. Use and Enjoyment of Easement. The use and enjoyment of the Easement in, upon, over, under and across the City Parcel shall extend to KJD, in its capacity as the owner of the KJD Parcel, and to any person or entity deriving title or possession to any portion of the KJD Parcel, through or under KJD. KJD shall have the right to maintain, repair and replace the Easement in a manner which is consistent with other drives and parking located on the KJD Parcel from time to time.

3. Miscellaneous. This instrument and the grants, agreements and covenants contained herein may not be altered, amended, revised, revoked or terminated, except by a duly recorded written instrument duly executed by the then record title owners of all of the KJD Parcel and the City Parcel. This instrument shall be governed by and construed according to the laws of the State of Missouri. This instrument and the grants, agreements and covenants contained herein shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors, heirs and assigns, and shall be deemed to be a covenant running with the land.

IN WITNESS WHEREOF, the said City of Saint Louis has caused these presents to be signed by its Comptroller and Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

BY:

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Clarence Harmon  
Mayor

BY:

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Darlene Green  
Comptroller

ATTEST:

Approved as to form:

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Rita Craft  
City Register

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Thomas J. Ray  
City Counselor

SECTION THREE. The passage of this ordinance being deemed necessary for the preservation of the public peace, health, and safety, it is hereby deemed to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of Saint Louis, and shall become effective upon its passage and approval by the Mayor.

EXHIBIT A  
Legal Description

A TRACT OF LAND IN BLOCK 2832 (FORMERLY BLOCK 2859) OF THE CITY OF ST. LOUIS, MISSOURI, BEING PART OF BELLERIVE PARK AND DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE EAST LINE OF BROADWAY, 100.00 FEET WIDE, AND THE CENTERLINE OF FASSEN STREET, 30.00 FEET WIDE, VACATED BY ORDINANCE NO. 18602 OF THE CITY OF ST. LOUIS, THENCE ALONG THE EAST LINE OF BROADWAY, SOUTH 29 DEGREES 15 MINUTES 00 SECONDS WEST 181.51 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED, FROM WHICH THE NORTH LINE OF BELLERIVE PARK BEARS NORTH 29 DEGREES 15 MINUTES 00 SECONDS EAST 30.96 FEET, THENCE LEAVING SAID EAST LINE OF BROADWAY, SOUTH 22 DEGREES, 49 MINUTES 05 SECONDS EAST 39.15 FEET TO A POINT

OF CURVE, THENCE SOUTHEASTWARDLY ALONG A CURVE TO THE LEFT WHOSE RADIUS BEARS NORTH 67 DEGREES, 10 MINUTES, 55 SECONDS EAST 15.00 FEET AN ARC DISTANCE OF 9.12 FEET TO A POINT OF COMPOUND CURVE, THENCE SOUTHEASTWARDLY ALONG A CURVE TO THE LEFT WHOSE RADIUS BEARS NORTH 32 DEGREES, 20 MINUTES, 55 SECONDS EAST 54.00 FEET AT AN ARC DISTANCE OF 45.17 FEET TO A POINT OF COMPOUND CURVE, THENCE NORTHEASTWARDLY ALONG A CURVE TO THE LEFT WHOSE RADIUS BEARS NORTH 15 DEGREES, 34 MINUTES, 25 SECONDS WEST OF 116.00 FEET AN ARC DISTANCE OF 41.30 FEET TO A POINT ON THE NORTH LINE OF BELLERIVE PARK, THENCE ALONG SAID NORTH LINE SOUTH 55 DEGREES 51 MINUTES 10 SECONDS EAST 22.33 FEET, THENCE LEAVING SAID NORTH LINE OF BELLERIVE PARK, SOUTH 54 DEGREES 01 MINUTES 44 SECONDS WEST 7.59 FEET TO A POINT OF CURVE, THENCE SOUTHWESTWARDLY ALONG A CURVE TO THE RIGHT WHOSE RADIUS BEARS 35 DEGREES 58 MINUTES 16 SECONDS WEST 137.00 FEET AN ARC DISTANCE OF 35.03 FEET TO A POINT OF COMPOUND CURVE, THENCE SOUTHWESTWARDLY ALONG A CURVE TO THE RIGHT WHOSE RADIUS BEARS NORTH 21 DEGREES 19 MINUTES 21 SECONDS WEST 120.00 FEET AN ARC DISTANCE OF 74.94 FEET TO A POINT OF TANGENT, THENCE NORTH 75 DEGREES 32 MINUTES 36 SECONDS WEST 43.72 FEET TO A POINT ON THE EAST LINE OF BROADWAY, 100.00 FEET WIDE, THENCE ALONG THE EAST LINE OF BROADWAY, NORTH 29 DEGREES 15 MINUTES 00 SECONDS EAST 67.30 FEET TO THE TRUE POINT OF BEGINNING.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
10/01/99	10/01/99	W&M		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
11/05/99		11/12/99	11/12/99	11/19/99
ORDINANCE	VETOED		VETO OVR	
64787				